IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No. 3444 of 2004

Between:

K. Venkataswamy S/o.Bikshalu

R/o.No.58, T.T.D.'B' type quarters, Govindaraja Nagar
D.R. Mahal Road, Tirupati, Chittoor district.

..... PETITIONER

AND

1. Tirumala Tirupathi Devasthanams, rep.by its Executive Officer, Tirupati,

Chittoor District.
2. The Government of Andhra Pradesh, rep. by Principal Secretary,

Revenue Department, Secretariat Buildings
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to set aside that portion of the G.O.Ms.No.1060, dt.24.20.1989, which requires the in-service candidates, i.e. the Assistant Executive Engineers, to pass the Departmental Test for the promotion to the post of Deputy Executive Engineer (Civil) while not insisting upon the direct recruitees to pass the same for appointment to the post of Deputy Executive Engineer (Civil) as being bad, illegal, arbitrary, discriminatory, irrational, illogical, unconstitutional and violative of Articles 14, 16 and 21 of the Constitution of India, and consequently direct the respondents herein to promote the petitioner herein to the post of Deputy Executive Engineer (Civil) without insisting upon his passing the Departmental tests, with all consequential benefits and attendant benefits by the issuance of a writ, order or direction essentially in the nature of *Writ of Mandamus.*

Counsel for the Petitioner: MR.D.SESHADRI NAIDU

Counsel for the Respondent No.1: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondent No.2: G.P. for Services-II

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No.4550 of 2003

Between:

S. Nagaraju, S/o. K.P. Subrahmanyam,

T.T.D., Tirumala,Chittoor District, R/o. No. 8,
B-Type Quarters, Vinayakanagar, Tirupathi.

..... PETITIONER

AND

1. Tirumala Tirupathi Devasthanams, represented by its Executive Officer,

Tirupathi, Chittoor District.
2. Government of Andhra Pradesh, rep.by its Principal Secretary Revenue

(Endowments) Department, Secretariat, Hyderabad.
3. V. Somasundaraiah, S/o. V. Chengal Rayudu, Asst. Engineer (Elec.),
T.T.D., Tirupathi. (R3 is impleaded as per Court
Order dated 19-12-2003 in WPMP No. 32562/2003).

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to set aside that portion of the G.O. Ms. No. 1060, Dated 24-10-1989, which requires

the in-service candidates i.e., Assistant Executive Engineers, to pass the Departmental Test for Promotion to the Post of Deputy Executive Engineer (Electrical) while not insisting upon the direct recruitees to pass the Departmental Test for appointment to the post of Deputy Executive Engineer (Electrical), as bad, illegal, arbitrary, discriminatory, irrational, illogical, unconstitutional and violative of Article 14,16 and 21 of the Constitution of India and consequently direct the Respondents herein to promote the Petitioner herein to the post of Deputy Executive Engineer (Electrical) without insisting upon him to pass the Departmental Test, with all consequential benefits and attendant benefits, by the issuance of Writ, Order or Direction(s) especially in the nature of Writ of Mandamus.

Counsel for the Petitioner: MR.J.SUDHEER

Counsel for the Respondent No.1: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondent No.2: G.P. for Services II

Counsel for the Respondent No.3: R.V. Chalapathi

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 10817 of 2003

Between:

Gantala Lakshmaiah Bhanu Prasad Rao, S/o. Lakshmaiah
R/o. 430, Badragi Patteda Colony,
Tirupathi - 517 501

..... PETITIONER

AND

1. Tirumala Tirupathi Devasthanams Executive Officer
   Tirupathi, Chittoor Distrct
2. Government of Andhra Pradesh, Principal Secretary,
   Revenue (Endowments) Department, Secretariat,
   Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may pleased to set aside that portion of the G.O.Ms.No.1060, dated 24-10-1989, which requires the in-service candidates i.e., Assistant Executive Engineers, to pass the Departmental Test for promotion to the post of Deputy Executive Engineer (Civil) while not insisting upon the direct recruitees to pass the Departmental Test for appointment to the post of Deputy Executive Engineer (Civil) as bad, illegal, arbitrary, discriminatory, irrational, illogical, unconstitutional and violative of Articles 14, 16 and 21 of the Constitution of India, and consequently direct the respondents herein to promote the petitioner herein to the post of Deputy Executive Engineer (Civil) without insisting upon him to pass the Departmental Test with all consequential benefits and attendant benefits by the issuance of a Writ, Order or Direction(s) essentially in the nature of Writ of mandamus

Counsel for the Petitioner: MR.J.SUDHEER

Counsel for the Respondent No.1: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondent No.2: G.P. for Services II

The Court made the following:

COMMON ORDER: (Per Hon'ble Sri Justice G. Bikshapathy)

All the writ petitions can be disposed of by a common order as they arise out of the Service Rules with regard to the promotion to the post of Deputy Executive Engineer (Civil and Mechanical) as the case may be.

2. The Service Rules as framed by the Government have been adopted by the Tirumala Tirupathi Devastanam (hereinafter referred to as TTD) from time to

time relating to promotion in Engineering Department from one cadre to another cadre. Under G.O. Ms.No.1060, dated 24.10.1989 for promotion to the cadre of Deputy Executive Engineer, the following are the requirements:

1. Must possess B.E. Degree (Civil or Mechanical) of a University;

2. Must have put in service as Assistant Executive Engineers for a period of not less than five years;

3. Must have passed the departmental test of Accounts Test for Executive Officers and P.W.D. Officers.

The requirement of passing departmental test is assailing in this writ petition contending that it is arbitrary and unwarranted.

3. The learned counsel for the petitioner submits that for the post of Assistant Executive Engineer, the only pre-requisite qualification is B.E. degree, that they possessed the requisite qualification even for the post of Deputy Executive Engineer and that therefore, the passing of departmental test is arbitrary and uncalled for and hence, the requirement of passing departmental test is to be dispensed with. It is also brought on record that since the petitioners have been promoted to the post of Deputy Executive Engineers consequent upon their passing of departmental test as prescribed under the rules.

4 . The learned counsel for the T.T.D. submits that since passing of departmental test for promotion is pre-requisite under the rules, it cannot be relaxed, and more over A.P. State and Subordinate Service Rules is made applicable to the employees of the TTD. Rule 12 (3) (b) specifically stipulates that in respect of the promotion or appointment by transfer one should possess the academic qualification, technical and other qualifications and also pass the prescribed departmental test. This requirement is not only applicable to the officers in the Engineering Department but also to the employees of other departments covered by general rules. Hence, the submission of the learned counsel for the petitioner is liable to be rejected.

5 . The only issue that arises for consideration as to whether the challenge

made to the requirement of passing departmental test is arbitrary.

6. It is not in dispute that TTD has been adopting rules framed by the Government from time to time including the A.P. State and Subordinate Services. Rule12 (3) (b) contemplates as follows:

> **"No person shall be eligible for appointment to a post by promotion or appointment by transfer unless he possess the academic qualifications and technical qualifications or other qualifications and has passed the departmental test and other tests and has satisfactorily completed any course or training prescribed in the special rules as a prerequisite qualification, for the post, to which he is to be appointed by promotion or by transfer"**

7. Since it is a statutory requirement and the same has prescribed in the relevant rules, it cannot be said that the requirement of passing departmental test either arbitrary or unwarranted. Thus, we do not find any ground to allow these writ petitions.

8. Accordingly, these writ petitions are dismissed. No costs.

_____

(G. BIKSHAPATHY, J)

_____

(P.S. NARAYANA, J)

Date: 28.02.2005

Ksn

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Executive Officer, Tirumala Tirupathi Devasthanams,

Tirupati, Chittoor District.
2. The Principal Secretary, The Government of Andhra Pradesh,

Revenue Department, Secretariat Buildings
Hyderabad.

3. 2 C. Cs to G.P. for Services II, High Court Buildings, Hyderabad (OUT)

4. 2 CD copies

5.1 CC to MR.SESHADRI NAIDU

6.1 CC to MR.JAYAPRAKASH RAO